

Panaji, 25th October, 1984 (Kartika 3, 1906)

SERIES II No. 30

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 3/16/83-PER

Consequent upon promotion of Shri P. M. Nair, IAS, presently functioning as Secretary to Lt. Governor to the super-time pay scale of Indian Administrative Service, as ordered by the Govt. of India, Ministry of Home Affairs, New Delhi vide Order No. U.14016/12/80-UTS dated Nil of September, 1984, the services of Shri P. M. Nair are placed at the disposal of the Works, Education and Tourism Department for appointment as Managing Director of the Goa, Daman and Diu Tourism Development Corporation Ltd., with effect from the date he takes over the charge of the post. The terms and conditions of deputation of Shri Nair on foreign service will be settled separately.

2. Shri P. M. Nair, shall continue to hold the charge of the post of Secretary to L.G. in addition to his own duties as Managing Director, Goa, Daman and Diu Tourism Development Corporation Ltd. until further orders. He will also continue to be in charge of Health & Medicine allocated to Secretary to L.G. vide Government Notification No. 14/3/78-SA&C (Part File) (Vol. I) dated 17-4-1984.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 12th October, 1984.

Order

No. 6/3/81-PER(Vol.II)

The Administrator of Goa, Daman and Diu is pleased to transfer with immediate effect Shri D. N. Accawade holding Grade II post of the Goa, Daman and Diu Civil Service and presently functioning as Additional Deputy Collector of Goa, North Division, Panaji, and post him as Assistant Director of Fisheries, Panaji, vice Shri S. S. Byali, transferred on deputation as Director of Administration in the Electricity Department.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 15th October, 1984.

Secretariat Administration and Coordination Division

Order

No. PER/822/SA&C

Read:— Government Order of even number dated 3-7-1984.

The period of deputation of Shri U. D. Sharma, presently on deputation to this Administration as Law Secretary to the Government of Goa, Daman and Diu, is extended for the further period from 21-10-1984 to 30-4-1985.

2. This issues with the approval of Government of India, Ministry of Home Affairs, New Delhi vide their letter No. 14016/2/84/GP(I) dated 29-9-1984.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (S.A. & C.).

Panaji, 12th October, 1984.

Order

No. 1/2/83-SA&C

The Administrator of Goa, Daman and Diu is pleased to promote on ad-hoc basis Shri Vassudeva D. Moraskar, Aval Karkun to the cadre of Mamlatdar/Block Development Officer in the pay scale of Rs. 550-900 (Group 'B', Gazetted post) with effect from the date he takes the charge of the post and post him as Enquiry Officer, City Survey, Daman with immediate effect and until further orders.

The above appointment/promotion will not bestow on Shri Vassudeva D. Moraskar any claim for regular appointment and the services rendered on ad-hoc basis in the grade will not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher post.

On promotion, the pay of Shri Moraskar shall be fixed in the time scale of pay of Rs. 550-900 as per the rules.

Consequently, the promotion of Shri Nicolau S. Alvares, Head Clerk in the Directorate of Education, made under Government order of even number dated 6-8-1984 is hereby cancelled as he has declined to accept the said promotion.

Shri G. M. Rathod, Mamlatdar, Daman who is at present holding the additional charge of the post of Enquiry Officer, City Survey, Daman shall be relieved as soon as Shri Moraskar resumes his duties.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (S. A. & C.).

Panaji, 17th October, 1984.

Home Department (General)

Order

No. 3/12/80/HD(G)

The Administrator of Goa, Daman and Diu is pleased to promote Shri J. B. A. Ferrao, Station Officer in the Directorate of Fire Services, Panaji as Assistant Divisional Officer (Group 'B' Gazetted) on ad-hoc basis in the pay scale of Rs. 650-30-740-35-880-EB-40-1040 with immediate effect.

2. The above appointment will not bestow on the person concerned any claim for regular appointment and the service rendered on ad-hoc basis in the grade will not count for the purpose of seniority in that grade for eligibility for promotion to the next higher grade.

3. On promotion his pay will be fixed in the pay scale of Rs. 650-30-740-35-880-EB-40-1040 as per the rules.

4. The expenditure will be debited to the Budget Head "260—Fire Protection and Control—A Protection and Control—A.1 Fire Services—A.1(1) Salaries".

By order and in the name of the Administrator of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Home).

Panaji, 16th October, 1984.

Order

No. 13/3/84-HD(G)

In exercise of the powers conferred by sub-section (3) of section 3 of the National Security Act, 1980 (No. 65 of 1980), the Administrator of Goa, Daman and Diu being satisfied having regard to the circumstances likely to prevail in any area within the local limits of the jurisdiction of the District Magistrate, Goa, that it is necessary so to do hereby directs that the said District Magistrate may also, if satisfied as provided in sub-section (2) of section 3 of the said Act, exercise the powers conferred by the said sub-section within the local limits of his jurisdiction for a period of three months from the date of issue of this order.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Home).

Panaji, 16th October, 1984.

Order

No. 13/3/84-HD(G)

In exercise of the powers conferred by sub-section (3) of section 3 of the National Security Act, 1980 (No. 65 of 1980), the Administrator of Goa, Daman and Diu being satisfied having regard to the circumstances likely to prevail in any area within the local limits of the jurisdiction of the District Magistrate, Daman, that it is necessary so to do hereby directs that the said District Magistrate may also, if satisfied as provided in sub-section (2) of section 3 of the said Act, exercise the powers conferred by the said sub-section within the local limits of his jurisdiction for a period of three months from the date of issue of this order.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Home).

Panaji, 16th October, 1984.

Order

No. 13/3/84-HD(G)

In exercise of the powers conferred by sub-section (3) of section 3 of the National Security Act, 1980 (No. 65 of 1980), the Administrator of Goa, Daman and Diu being satisfied having regard to the circumstances likely to prevail

in any area within the local limits of the jurisdiction of the District Magistrate, Diu, that it is necessary so to do hereby directs that the said District Magistrate may also, if satisfied as provided in sub-section (2) of section 3 of the said Act, exercise the powers conferred by the said sub-section within the local limits of his jurisdiction for a period of three months from the date of issue of this order.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Home).

Panaji, 16th October, 1984.

Works, Education and Tourism Department

Order

No. 5/27/84-MD/Corp/WET

Read: Order No. 3/16/83-PER dated 12-10-1984 from the Deptt. of Personnel and A. R. Secretariat, Panaji.

On the placement of the services of Shri P. M. Nair, IAS Secretary to the Lt. Governor, Government of Goa, Daman and Diu at the disposal of this Department the Administrator of Goa, Daman and Diu is pleased to appoint Shri P. M. Nair as Managing Director of the Goa, Daman and Diu Tourism Development Corporation with effect from the date he takes over charge of the post until further orders.

The appointment is made in terms of Article 112 of Article of Association of the Goa, Daman and Diu Tourism Development Corporation Ltd.

Shri R. K. Bhatia, IAS Secretary (U.D.T.) shall stand relieved of the additional charge of the post of Managing Director of Tourism Development Corporation with effect from the date Shri P. M. Nair, IAS takes over the charge of the said post of Managing Director.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Sawant, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 17th October, 1984

Order

No. 12/20/84/WET/II

Read: Government Order No. 16-1-82/WET dated 19-4-82.

Shri Robert D'Souza is hereby appointed on ad-hoc basis as Assistant Workshop Superintendent in Goa College of Engineering with effect from 29-9-84 (F.N.) in the scale of Rs. 700-1300/- plus the usual allowances admissible from time to time as per rules.

The appointment is subject to the conditions specified in the Office Memorandum of even number dated 22-8-84 and the rules and regulations laid down by the Government from time to time.

The appointment is purely on ad-hoc basis and it will not bestow on the appointee any claim for regular appointment, promotion to higher post and seniority. Shri R. D'Souza has been examined by the Medical Board and found fit.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from holding a post under Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Sawant, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 12th October, 1984.

Order

No. 12/20/84/WET/III

Read: — Government order No.

i) DE/TEC/A/54/66/12370 dated 11/5/67.

ii) DE/TECH/A/224/69/31783 dated 20/5/70.

Shri G. Nagaraja is hereby appointed on ad-hoc basis as Associate Lecturer in Civil Engineering in Goa College of Engineering with effect from 10-9-84 (F. N.) in the scale of Rs. 650-950/- plus the usual allowance admissible from time to time as per rules.

The appointment is subject to the conditions specified in the Office Memorandum of even number dated 22/8/84 and the rules and regulations laid down by the Government from time to time.

The appointment is purely on adhoc basis and it will not bestow on the appointee any claim for regular appointment, promotion to higher post and seniority. Shri G. Nagaraja has been examined by the Medical Board and found fit.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from holding a post under Government.

By order and in the name of the Administrator of Goa, Daman & Diu.

V. S. Sawant, Under Secretary to the Government of Goa, Daman & Diu.

Panaji, 11th October, 1984.

Revenue Department

Notification

No. 22/221/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Calata Guirim road via Tolebandh in V. P. Majorda, Salcete (Addl. area).

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing com-

pensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector (2-South) Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Addl. Dy. Collector (2-South) Margao.
3. The Executive Engineer, W. D. VI (R&B) Fatorda, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector (2-South) Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

| Sr. No. | Taluka | Village/Ward | Survey No. | Sub. Div. No. | Names of the persons believed to be interested | Approximate area in sq. mts. |
|-------------|---------|--------------|------------|---------------|--|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Salcete | Calata | 58 | 1 | Comunidade of Calata. North: Comunidade of Calata. South: Public Foot path. East: Francisco Perreira. West: Calata Comunidade. | 18.00 |
| | | | 72 | 6 | Comunidade of Calata. North: Dr. Antonio Costa Perreira. South: Comunidade of Calata. East: — do — West: — do — | 80.00 |
| | | | 72 | 19 | Olinda Gomes. North: Joao Gaspal Braganza. South: Olinda Gomes. East: Alexinho Colaco. West: Olinda Gomes. | 15.00 |
| Total | | | | | | 113.00 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 10th October, 1984.

Notification

No. 22/204/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for laying 600 mm dia Sewer near Pumping station No. 6 at Katem, Baina, Vasco.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.
4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector (2-South) Margao to perform the functions of a Collector under the said Act in respect of the said land.
5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

- 1. The Collector of Goa, Panaji.
- 2. The Additional Dy. Collector (2-South) Margao.
- 3. The Executive Engineer, Works Division IX(PHE) Fatorda, Margao.
- 4. The Director of Land Survey, Panaji, Goa.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector (2-South) Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

| Sr. No. | Taluka | Village/Ward | P. T. Sheet No. | Chalta No. | Name of the person believed to be interested | Approximate area in sq. mts. |
|-------------|----------|---------------|-----------------|------------|---|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Mormugao | Vasco-Da-Gama | 152 | 246 part | O: Arminia B. Furtado. North: Chalta No. 246 of P.T. Sheet No. 152. South: Chalta No. 32 of P.T. Sheet No. 155. East: Road. West: Chalta No. 246 of P.T. Sheet No. 152. | 395.00 |
| Total | | | | | | 395.00 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).
Panaji, 10th October, 1984.

Notification

No. 22/25/83-RD

Whereas by Government Notification No. 22/25/83-RD dated 5-3-1983 published on pages 681-682 of Series II, No. 50 of the Extraordinary Official Gazette, dated 16-3-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. for construction of G. P. S. building at Adcolna Ponda.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule

- hereto is needed to be acquired for the public purpose specified above.
- Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.
2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Additional Dy. Collector (2-South) Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.
3. A plan of the said land can be inspected at the office of the said Additional Deputy Collector (2-South) Margao till the award is made under Section 11.

SCHEDULE

(Description of the said land)

| Sr. No. | Taluka | Village/Ward | Survey No. | Sub-Div. No. | Name of the person believed to be interested | Approximate area in sq. mts. |
|-------------|--------|--------------|------------|--------------|--|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Ponda | Adcolna | 24 | 3 | Shri Navdurga Devi. | 1463.00 |
| Total | | | | | | 1463.00 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).
Panaji, 10th October, 1984.

Notification

No. 22/102/83-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for water supply to Nagoa Vanakbara Village:

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Civil Administrator Diu to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land:

1. The Civil Administrator, Diu.
2. The Executive Engineer, P.W.D. Daman.
3. The Asstt. Engineer, P.W.D. Diu.

6. A rough plan of the said land is available for inspection in the office of the Civil Administrator Diu for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

| Sr. No. | Taluka | Village/Ward | Plot No. | Survey No. | Name of the person believed to be interested | Approximate area in sq. mts. |
|-------------|--------|--------------|----------|------------|--|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Diu | Nagoa | 3 | 173 | Shri Bhagvan Punja Solanki. | 24.00 |
| | — do — | Bucharwada | 4 | 173 | — do — | 40.00 |
| Total | | | | | | 64.00 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 12th October, 1984.

Notification

No. 22/44/83-RD

Whereas by Government Notification No. 22/44/83-RD dated 22-3-83 published on page 712-713 of Series II, No. 53 of the Official Gazette, dated 31-3-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Construction of extension to the existing Government Primary School Building at Durbhat, Ponda.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Additional Dy. Collector-I (South) Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Additional Dy. Collector-I (South) Margao till the award is made under Section 11.

SCHEDULE

(Description of the said land)

| Sr. No. | Taluka | Village/Ward | Plot No. | Survey No. | Names of the persons believed to be interested | Approximate area in sq. mts. |
|-------------|--------|--------------|----------|------------|---|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Ponda | Durbhat | — | 90/3 part | Padmakar Dattatray Bakhale. Sadashiv Dattatray Bakhale. Madhukar Dattatray Bakhale. Bhaskar Ramchandra Bakhale. Narayan Ramchandra Bakhale. Balkrishna Anant Bakhale. Shrikant Anant Bhakhale. Ramesh Anant Bhakhale. Smt. Sumati Damodar Bhakhale. | 2275.00 |
| Total | | | | | | 2275.00 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 12th October, 1984.

Notification

No. 22/205/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Postal Staff Quarters at Bicholim.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector (3-North) Mapusa to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the Collector under the said Act in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Dy. Collector (3-North) Mapusa.
3. The Senior Superintendent of Post Offices, Goa Division Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector (3-North) Mapusa, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

| Sr. No. | Taluka | Village/Ward | Plot No. | Survey No. | Name of the person believed to be interested | Approximate area in sq. mts. |
|-------------|----------|--------------|----------|------------|---|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Bicholim | Bordem | — | 146 (part) | Shankar Bablo Bandekar. North: S. No. 146. South: S. No. 144/1. East: S. No. 146. West: S. No. 145/6. | 4250.00 |
| Total | | | | | | 4250.00 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 10th October, 1984.

Notification

No. 22/79/84-RD

Whereas by Government Notification No. 22/79/84-RD dated 31-3-84 published on page 51 of Series II, No. 2 of the Official Gazette, dated 12-4-84 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Land Acquisition for construction of Police Out Post at Vichundrem Sanguem.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto

is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Additional Dy. Collector (2-North) Collectorate of Goa, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Addl. Dy. Collector (2-North) Collectorate of Goa, Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

| Sr. No. | Taluka | Village/Ward | Survey No. | Sub. Div. No. | Name of the person believed to be interested | Approximate area in sq. mts. |
|-------------|---------|--------------|------------|---------------|--|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Sanguem | Vichundrem | 34 (part) | — | Shri Diwakar V. Shirvoikar. North: Road. South: S. No. 34. East: S. No. 35. West: S. No. 34. | 4343.00 |
| Total | | | | | | 4343.00 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 12th October, 1984.

Notification

No. 22/125/83-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for implementation of Housing activities of the Board at Mapusa.

Therefore the Government is pleased to notify under Sub-Section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector, Goa North Division, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under Sub-Section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Dy. Collector, Goa North Division, Panaji.
3. The Chairman of Goa, Daman and Diu Housing Board, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector, Goa North Division, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

| Sr. No. | Taluka | Village/Ward | P. T. Sheet No. | Chalta No. | Names of the persons believed to be interested | Approximate area in sq. mts. |
|---|--------|--------------|---------------------|---------------|--|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Bardez | Mapusa | PTS. No. 67 | C. No. 3 part | Comunidade of Mapusa. | 11600.00 |
| | | | PTS. 70 S. No. 1 | — | Safia Pinto & Pedro Antonio D'Souza. | 30875.00 |
| Boundaries: | | | | | | |
| North: C. No. 3/P.T.S. 67 Ch. No. 2/67. | | | | | | |
| South: C. No. 1/P.T.S. 117, C. No. 3/PTS. 90. | | | | | | |
| East: C. No. 3/PTS. 67, C. No. 1/ PTS-59. | | | | | | |
| West: C. No. 2/PTS. 67, C. No. 3/PTS. 90. | | | | | | |
| Total | | | | | | 42475.00 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 12th October, 1984.

Notification

No. 22/220/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of School building at Goyal Kuddi in Canacona taluka.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector (2-South) Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Dy. Collector (2-South), Margao.
3. The Director of Education, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector (2-South) Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

| Sr. No. | Taluka | Village/Ward | Survey No. | Sub. Div. No. | Names of the persons believed to be interested | Approximate area in sq. mts. |
|-------------|----------|--------------|------------|---------------|---|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Canacona | Cola | 311 | 5 Part | 1. Ganesh Santu Zarakar. 2. Pauto Xorgo Zarakar. 3. Tanu Babi Zarakar. 4. Sita Bhiku Zarakar. 5. Rama Zorgo Zarakar. 6. Puno Poro Zarakar. 7. Bombi Jingu Zarakar. 8. Govind Fachade Zarakar. 9. Saklu Thulo Zarakar. 10. Panglo Zorgo Zarakar. 11. Arjun Santu Zarakar. 12. Purso Zorgo Zarakar. 13. Veddo Bhuto Zarakar. North: S. No. 312/1. South: Road, S. No. 311/11. East: S. No. 311/6. West: S. No. 311/5. | 4000.00 |
| Total | | | | | | 4000.00 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 10th October, 1984.

Notification

No. 22/101/83-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of road to Naida-Simar at Diu.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing com-

pensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Civil Administrator, Diu to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Civil Administrator, Diu.
2. The Executive Engineer, P.W.D. Daman.
3. The Asstt. Engineer, P.W.D., Diu.

6. A rough plan of the said land is available for inspection in the office of the Civil Administrator Diu for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

| Sr. No. | Taluka | Village/Ward | Plot No. | Survey No. | Names of the persons believed to be interested | Approximate area in sq. mts. |
|-------------|--------|--------------|----------|------------|--|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Diu | Naida | PTS | 140/33 | Shri Parshottam Kara, Naida. | 44.85 |
| | " | " | PTS | 140/34 | Shri Jeraj Kara, Naida. | 13.40 |
| | " | " | PTS | 151/31 | Shri Devchand Premji, Naida. | 33.70 |
| | " | " | PTS | 151/30 | Smt. Revabai Rugnath, Naida. | 39.30 |
| | " | " | PTS | 151/61 | Shri Premji Jina, Naida. | 9.00 |
| | " | " | PTS | 151/65 | Smt. Revabai Keshav, Naida. | 122.00 |
| | " | " | PTS | 166/4 | Shri Dharshi Kalan, Naida. | 2.50 |
| | " | " | PTS | 166/14 | Shri Govind Dama, Naida. | 56.50 |
| | " | " | PTS | 166/15 | Shri Jetha Ramji, Naida. | 63.25 |
| Total | | | | | | 384.50 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 12th October, 1984.

Notification

No. 22/108/83-RD

Whereas by Government Notification No. 22/108/83-RD dated 16-8-83 published on page 223-224 of Series II No. 21 of the Official Gazette dated 25-8-83 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land specified in the schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for public purpose viz. construction of 110 K. V. Sub-Station and Staff Quarters at Xeldem-Amona, Quepem Taluka.

And whereas the Government is of the opinion that its acquisition is urgently necessary, the provisions of sub-section (1) and sub-section (4) of Section 17 of the said Act are made applicable, and that the Collector appointed under

paragraph 2 below, shall at any time, on expiry of 15 days from the publication of notice relating to the said land under sub-section (1) of Section 9 of the said Act, take possession of the said land.

Now Therefore the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Additional Dy. Collector (I-South) Margao to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and to direct him under Section 7 of the said Act to take order of the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Additional Deputy Collector (I-South) Margao till the award is made under Section 11.

SCHEDULE

(Description of the said land)

| Sr. No. | Taluka | Village/Ward | Survey No. | Sub-Div. No. | Names of the persons believed to be interested | Approximate area in sq. mts. |
|---------|--------|--------------|------------|--------------|--|------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | Quepem | Amona | 37 | 1 | Shridow Chandreshwar Bhutnath. | 25825.00 |
| | | | | 2 | — do — | 6575.00 |
| | | | 36 | part | T: Joanita Fradas. | |
| | | | 9 | 29 part | Deo Chandreshwar Bhutnath. | 59225.00 |
| | | | | | — do — | 42.00 |
| | | | | | T: Caetano Fernandes. | |
| | | | | 36 part | O: Deo Chandreshwar Bhutnath. | 3.00 |
| | | | | | i) Filomena Romet Fernandes. | |
| | | | | | ii) Joanita Fernandes. | |
| | | | 9 | 38 part | O: Deo Chandreshwar Bhutnath. | 75.00 |
| | | | | | T: Maria A. Fernandes. | |
| | | | | 39 part | O: Deo Chandreshwar Bhutnath. | 30.00 |
| | | | | | T: Radhakrishna Naik. | |
| | | | | 67 part | O: Deo Chandreshwar Bhutnath. | 3050.00 |
| | | | | | T: Shantaram V. (Bhat) Joshi. | |
| | | | 9 | 40 part | O: Deo Chandreshwar Bhutnath. | 10.00 |
| | | | | | T: Radhakrishna Naik. | |
| | | | | 48 | O: Deo Chandreshwar Bhutnath. | 40.00 |
| | | | | | T: Filomena R. Fernandes. | |
| | | | | 49 part | O: Deo Chandreshwar Bhutnath. | 12.00 |
| | | | | | T: Maria A. Fernandes. | |
| | | | | 54 | O: Deo Chandreshwar Bhutnath. | 325.00 |
| | | | | | T: Radhakrishna Naik. | |
| | | | | 55 | O: Deo Chandreshwar Bhutnath. | 55.00 |
| | | | | | T: Caetano Fernandes. | |
| | | | | 56 | O: Deo Chandreshwar Bhutnath. | 35.00 |
| | | | | | T: Maria A. Fernandes. | |
| | | | | 57 part | O: Deo Chandreshwar Bhutnath. | 20.00 |
| | | | | | i) Filomena R. Fernandes. | |
| | | | | | ii) Joanita Fernandes. | |
| | | | | 58 part | O: Deo Chandreshwar Bhutnath. | 25.00 |
| | | | | | T: Caetano Fernandes. | |
| | | | | 59 part | O: Deo Chandreshwar Bhutnath. | 20.00 |
| | | | | | T: Filomena R. Fernandes. | |
| | | | | | Caetano Fernandes. | |
| | | | | 60 part | O: Deo Chandreshwar Bhutnath. | 5.00 |
| | | | | | T: Maria A. Fernandes. | |
| | | | | 61 part | O: Deo Chandreshwar Bhutnath. | 5.00 |
| | | | | | T: Filomena R. Fernandes. | |
| | | | | | Joanita Fernandes. | |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------------|--------|-------|---|---------|---|----------|
| | Quepem | Amona | 9 | 62 part | O: Deo Chandreshwar Bhutnath. T: Maria A. Fernandes. | 4.00 |
| | | | | 68 | O: Deo Chandreshwar Bhutnath. T: Caetano Fernandes. | 95.00 |
| | | | | 69 | O: Deo Chandreshwar Bhutnath. T: Caetano Fernandes. | 70.00 |
| | | | | 70 part | O: Deo Chandreshwar Bhutnath. T: i) Caetano Fernandes. ii) Maria A. Fernandes. | 475.00 |
| | | | | 71 | O: Deo Chandreshwar Bhutnath. T: Maria A. Fernandes. | 95.00 |
| | | | | 72 | O: Deo Chandreshwar Bhutnath. T: Radhakrishna Naik. | 122.00 |
| | | | | 73 | O: Deo Chandreshwar Bhutnath. T: Maria A. Fernandes. | 70.00 |
| | | | | 74 | O: Deo Chandreshwar Bhutnath. T: Radhakrishna Naik. | 81.00 |
| | | | | 75 | O: Deo Chandreshwar Bhutnath. T: Caetano Fernandes. | 62.00 |
| | | | | 76 | O: Deo Chandreshwar Bhutnath. T: Caetano Fernandes. | 71.00 |
| | | | | 77 | O: Deo Chandreshwar Bhutnath. | 250.00 |
| | | | | 64 part | O: — do — T: i) Filomena R. Fernandes. ii) Joanita Fernandes. | 7.00 |
| | | | | 65 part | O: Deo Chandreshwar Bhutnath. T: Maria A. Fernandes. | 45.00 |
| | | | | 79 | O: Deo Chandreshwar Bhutnath. T: Caetano Fernandes. | 195.00 |
| | | | | 78 | O: Deo Chandreshwar Bhutnath. T: Caetano Fernandes. | 625.00 |
| | | | | 80 | O: Deo Chandreshwar Bhutnath. T: 1) Filomena R. Fernandes. 2) Jeanita Fernandes. | 35.00 |
| | | | | 82 | O: Deo Chandreshwar Bhutnath. T: 1) Filomena R. Fernandes. 2) Jeanita Fernandes. | 15.00 |
| | | | | 83 | O: Deo Chandreshwar Bhutnath. T: 1) Filomena R. Fernandes. 2) Joanita Fernandes. | 14.00 |
| | | | | 66 | O: Deo Chandreshwar Bhutnath. T: Radhakrishna Naik. | 9.00 |
| | | | | 84 | O: Deo Chandreshwar Bhutnath. T: 1) Filomena R. Fernandes. 2) Maria A. Fernandes. | 45.00 |
| | | | | 81 | O: Deo Chandreshwar Bhutnath. North: Road, S. No. 9/29, 36, 39, 40, 43, 49, 37, 56, 57, 58, 59, 60, 61, 62, 63, 70, 64, 65, 66 and S. No. 37. South: S. No. 38/13, 307, 15, 35/96, 82, 83, 80, 81, 76, 75, 68 & S. No. 34. East: S. No. 10/32, 56, 69, 120, 141, 165, 174, 175, 193, S. No. 35, 2, 24, 30, 34, 41, 48, 51, 68, 75, 76, 81, 80, 83, 82, 96. West: Road. | 1025.00 |
| Total | | | | | | 98787.00 |

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 24th October, 1984.

Industries and Labour Department

Order

No. 28/2/84-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947. (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries & Labour).

Panaji, 10th October, 1984.

**IN THE LABOUR COURT GOA, DAMAN AND DIU,
PANAJI GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/46/80

- | | |
|--|-------------|
| 1. Shri Anand Yeshwant Naik V/s. | — Applicant |
| 1. Chief Officer, Sanguem Municipal Council | — Opponents |
| 2. Principal Engineer, P.W.D. (Water Supply Scheme) | |

Applicant represented by Shri B. G. Kamat, Labour Advisor.

Opponent No. 1 represented by Shri P. K. Lele, Labour Advisor.

Opponent No. 2 represented by Shri Paulo Rodrigues, Asstt. Government Pleader and Shri Y. S. Raghavendra Rao, Asstt. Public Prosecutor.

Panaji. Dated: 17-9-1984.

AWARD

This is an application under Section 33C(2) of the I.D.A., 1947, in short the Act, moved by the above applicant against the above opponents claiming from the latter his dues amounting to Rs. 17,802-40, as detailed in the annexure to the application.

2. It is stated in the application that the applicant was employed as a road gang worker by the Opponent No. 1 on 1-10-1970 and, subsequently, transferred to Opponent No. 2 as helper of Water Supply Scheme of P.W.D. with effect from 14-1-1974, when the said scheme was taken over by the PWD.

3. Opponent No. 1, in its written statement, after raising a preliminary objection regarding the maintainability of the applicant's claim against the Opponent, has, on merits, stated that the applicant is not entitled to claim any dues from Opponent No. 1, as he started working with Opponent No. 2, from 14-1-1974 (vide appointment order dated 11-1-1974). The applicant was a road gang worker working with Opponent No. 1 w.e.f. 1-10-1970. When the Government decided to transfer the water supply scheme of Sanguem Municipal Council to the P.W.D., Opponent No. 1, by a resolution dated 9-1-1974, decided to transfer the applicant alongwith other workers to Opponent No. 2 to work as Helper in water supply scheme and, hence, from 14-1-1974 he is not working for Opponent No. 1.

4. Opponent No. 2, in its written statement, also raised a preliminary objection regarding the jurisdiction of this Court and, on merits, stated that the workman was never transferred by Opponent No. 1 to P.W.D. at the time when the water supply scheme was taken over by them in September 1974. Only 2 employees namely: (i) Vithal Marathe (Supervisor) and (ii) Pandurang Chari (Pipe Fitter) were transferred to P.W.D. and absorbed (vide order No. PWD/EST/175/79 dated 14-9-1979). The applicant was never transferred to PWD by Opponent No. 1 after the water supply scheme was handed over to PWD in 1974; the applicant never joined duties in the PWD nor he came to join PWD after the water supply scheme was handed over to them in 1974, nor was he on their pay roll. Since the applicant was employed by Opponent No. 1, it is for them to employ him. Further the applicant claims his salary from 1-2-1975 till 30-9-1980 at the rate of Rs. 261-80 per month while PWD took over the charge of the actual supply scheme with

effect from 1-9-1974. This shows that the applicant was paid by Opponent No. 1 upto January 1975 due to his continuity of service with the said Opponent. Opponent No. 1 was informed by the Government vide letter No. 3-10-73-LSG(Gen) dated 22-6-1973 that the Government intends to take over the water supply scheme run by the Opponent No. 1. In spite of this, Opponent No. 1, with ulterior motive, transferred the applicant, a road gang worker, to perform the duties of a helper in water supply scheme from 14-1-1974 (vide Exh 'C' letter No. 1/75-76 dated 5-2-75). The fact that the water supply scheme was run without the applicant until 14-1-1974 shows that the applicant's services were not necessary at all, and such transfer was done with ulterior motives. It is further stated that it was not binding on the PWD to accept the post created by Opponent No. 1 without the approval of the Government, as required under Section 73 of the Goa, Daman and Diu Municipal Act 1968 (vide Exh 'D', letter dated 31-7-1974 addressed by the Government to the Municipality).

5. In his rejoinder the applicant has stated that he was never allowed by Opponent No. 2 to join, though he called on the Office of Opponent No. 2 several times, as per the instructions and orders of Opponent No. 1.

6. Following preliminary issues were framed:

- "1. Whether the applicant's application is maintainable under Section 33C(2) of the Industrial Disputes Act, 1947.
2. In case the above issue is replied in the affirmative, whether the Opponent No. 1 or the Opponent No. 2 prove that either of them cannot be impleaded as a party to these proceedings."

7. Arguments of the parties on the above preliminary issues were heard and issue No. 1 was disposed off by my order dated 22-3-82 holding that the application was maintainable under Section 33(2) of the Act.

Regarding issue No. (2), it was decided that since it was connected with the merits it could be decided when the case is fully heard.

8. The applicant led his own evidence; Opponent No. 2 examined one witness Pandurang Chari and Opponent No. 1 one Atmaram Kamat.

9. The applicant, in his statement before the Court, has stated that he was working as road worker with Opponent No. 1 since October 74; by order dated 11-1-1974 (Exh W-1) he was transferred by the President of Opponent No. 1 to the Water Supply department; he worked in the said water supply department for about 5 months and thereafter the scheme of water supply was transferred to PWD (Opponent No. 2); after the transfer he was told to collect his salary from Opponent No. 2; when he contacted Opponent No. 2 he was told that he was not absorbed by Opponent No. 2 and that he should collect his salary from Opponent No. 1; he was not given any work by Opponent No. 2; when he again came to Opponent No. 1, he was told that there was no work for him and that he should go to Opponent No. 2; thereafter, he applied to Opponent No. 1 on 29-6-1977 seeking some information in respect of his employment (Exh W-2), which information was given to him by the Chief Officer on a paper (Exh W-3); Opponent No. 1 has appointed another employee in his original post of Road worker; the applicant is ready to work for Opponent No. 1 as road worker; he has applied for his wages from February 1975 till September 1980.

In his cross to Opponent No. 1, he has admitted that, by his application dated 21-6-1973 [Exh O-1(i)], he had applied to the post of Plumber/Fitter of the water supply scheme of Opponent No. 1 and that he was transferred to the Water supply scheme on 14-1-1974 (Exh W-1) as Helper. The water supply scheme was transferred to Opponent No. 2 about one year after his transfer from road worker to water supply scheme of the Municipality; alongwith him, some others were also working in this scheme but, except Marathe and Pandurang who were permanent, all others were appointed on adhoc basis. Around January 1975, when he went to collect his salary from Opponent No. 1, he was told that he was no more in the employment of Opponent No. 1, and that his services were transferred to Opponent No. 2 who would pay him his salary; for 5 months he worked on the water supply scheme of the PWD but was not paid by the PWD and was told that his name was not transferred to them; [Exh O-1(2)] bears his signature. He asked for his transfer to the water supply scheme.

Cross Examination by Opponent No. 2: he stated that, in February, when the water scheme was transferred to the PWD, he was helping Kasim Khan; he was working for about 5 months in the Water Supply Scheme of Opponent No. 1; he has denied that he has not worked on the scheme after it was taken over by the PWD. He was paid of his salary by Opponent No. 1 till the transfer of the scheme by Opponent No. 1.

10. Pandurang Chari, examined by Opponent No. 2, has stated that he is working as Plumber-cum-Pipe Fitter in the Sanguem Municipal Water Scheme since 1960. In 1974 around 24-9-1974 this scheme was taken over by the PWD (Opponent No. 2). He knows the applicant is a Road Gang Worker. From the day the PWD took over the scheme the applicant never worked in the said scheme. The services of the witness were taken over by the PWD alongwith one more worker by name Dilip Marathe. When the scheme was run by the Municipality, sometimes the applicant was sent to work as helper when any worker was absent or on leave. He never showed his face once the scheme was taken over by the PWD on or after 24-9-1974.

In his cross: after the scheme was taken over by the PWD the applicant came to the site of work for about 15 days but the witness did not see him working; he does not know whether the applicant had applied to Opponent No. 1 for his transfer to the water supply scheme. He also does not know whether he was transferred to the Water supply scheme; he does not know whether he was attending the water supply scheme work regularly from January 1974.

11. Atmaram Kamat, who was examined by Opponent No. 1, has stated that he was working as Inspector in the Sanguem Municipal Council since 1961. The applicant was working in the Municipality since 1973-74; he was appointed as Road worker and then, at his request, he was transferred to the water supply scheme and he was working there when it was taken over by the PWD. He continued to work in the scheme after it was taken over by the PWD; he says so, because the applicant and others who were transferred to the scheme used to come and complain that though they had worked in the scheme, PWD was not paying them.

In his cross, he has stated that the scheme was taken over by the PWD in January or February 1974 if he well remembers. He knows that the applicant was working in the scheme about 1 year prior to its taking over by the PWD. He has seen the applicant and others sitting on the water tank for about 6 months after it was taken over by the PWD. He has stated that the Municipality passed a Resolution transferring all the staff working on the scheme taken over by the PWD.

12. This is all the evidence led by the parties.

Let us see now whether, on the basis of such evidence, it can be said that the applicant was also taken over as employee by the PWD at the time of taking over the Water supply scheme from the Sanguem Municipal Council.

13. It is not in dispute that the applicant was working for the Sanguem Municipality as a Road gang worker with the Opponent No. 1 and that the PWD took over the water supply scheme from opponent No. 1 from 1st September 1974. The applicant has claimed his wages from Opponent No. 2 from February 1975 till 30-9-1980, which shows that upto January 1975 he was paid by Opponent No. 1. If the scheme was taken over by the PWD from September 1974, how to explain that the applicant, who, by order dated 11-1-1974 (Exh W-1), was transferred by Opponent No. 1 to the post of helper w. e. f. 14-1-1974 and as per applicants own version was working in this scheme till the date of its taking over by the Opponent No. 2, was paid by Opponent No. 1 till January 1975? Although Opponent No. 1 and the applicant has stated that there is a resolution of Opponent No. 1 transferring him to the water supply scheme of the PWD, Exh. W-3 produced by the applicant shows that there is no such resolution and the Opponent No. 1 also has not been able to prove any such resolution. Witness Atmaram Kamat for Opponent No. 1, who is working as Inspector for the said Opponent since 1961, has stated before the Court that the applicant submitted an application to the Municipality for his transfer to the water supply scheme and accordingly he was transferred and was working there. The only application of

the applicant to Opponent No. 1 on record is Exh O-1(1) dated 21-6-1973 in which he has prayed that his name be considered for the filling up of the post of Plumber/Fitter of the water supply scheme of the Municipality but the order of transfer Exh W-1 dated 11-1-1974 cannot be in view of the application Exh. O-1(1) dated 21-6-1973 because this last application was for the filling up of the post of Plumber/Fitter and the applicant, by virtue of the order Exh. W-1, was transferred to the post of Helper. So, the statement of the witness Kamat while using the word "accordingly" is not correct. Witness Kamat also has stated that the Municipality passed a resolution transferring all the staff working on the scheme taken over by the PWD. However, no such resolution was proved by Opponent No. 1.

14. Opponent No. 2's witness Pandurang Chari has stated that he and one Marathe are the only 2 persons who were absorbed by Opponent No. 2 from the Water supply scheme when the said scheme was taken over by the PWD and are on the pay roll of the PWD. This fact was not denied by the workman in the cross examination of the witness.

15. Since it is an admitted fact that the applicant was never absorbed by the PWD and was also not in their pay roll, after the scheme was taken over by the Municipality — and in this application we are not concerned why he was not absorbed — and it is also an admitted fact that he never worked in the said scheme after it was taken over by the PWD, although he might have gone to the site during some time in order to see if some work was allotted to him, the applicant cannot claim any wages from Opponent No. 2, as it is not proved that he was employed by the said Opponent at any time during the period for which wages are claimed. On the contrary, the fact that the applicant was paid of his wages by Opponent No. 1 from September 1974 (when the scheme was taken over by the PWD) till January 1975, would prove that the applicant continued to work for Opponent No. 1 till January 1975.

16. From all that has been stated above, my answer to the preliminary issue No. 2 is that the impleading of both opponents is necessary to arrive at proper decision regarding which of the Opponents was to be considered as the employer of the applicant and, consequently, responsible for the payment of his wages during the relevant period.

17. In the premises above, I pass the following order:

ORDER

Since I have considered Opponent No. 1 as the applicant's employer during the relevant time, the said Opponent is bound to pay to the applicant the wages claimed by him from February 1975 till September 1980 at the rate of Rs. 261-80 per month with interest at the rate of 8 p. c. per annum and costs of Rs. 200/-.

Dr. Renato de Noronha
Presiding Officer
Labour Court

Law Department (Establishment)

Order

No. 1-7-83/LD

In exercise of the powers conferred by section 16 of the Goa, Daman and Diu Civil Courts Act, 1965 (16 of 1965) and in consultation with the High Court at Bombay and with the prior approval of the Administrator of Dadra and Nagar Haveli the Administrator of Goa, Daman and Diu hereby appoints Shri M. N. Gilani, Chief Judicial Magistrate and Civil Judge Silvassa, as Civil Judge, Junior Division, Daman, with immediate effect and until further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. G. Kambli, Under Secretary (Law).

Panaji, 15th October, 1984.

GOVT. PRINTING PRESS — GOA

(Imprensa Nacional — Goa)

PRICE — Rs. 1-20 Ps.